

JUL 03 2008

UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL -7 PM 2:42

MICHAEL FOX

PLAINTIFF

VERSES

UNITED STATES OF AMERICA a1.et.

DEFENDANTS

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CASE# 07 CV 2388 DMS (POV)

BY:

DEPUTY

EC

MOTION TO SET ASIDE DEFENDANTS
MOTION TO DISMISS
AND FURTHER SETTING ASIDE THE
COURTS ORDERS TO IT.MOTION DATE AUG 15 2008 1:30PM
JUDGE DANA M SABRAW COURTROOM 10

1) PLAINTIFF RECEIVING THE COURTS ORDER TO DISMISS PLAINTIFFS CASE ON SATURDAY JUNE 28 2008
ENVELOPE MAILED IN DATED JUNE 27 2008

2) THE COURT STATES IN ITS ORDER UNDER DISCUSSION LINE 13 THRU 15 AS QUOTED (FINALLY, THE
FEDERAL DEFENDANTS CONTEND PLAINTIFFS CLAIMS AGAINST THEM ARE UNEXHAUSTED. BECAUSE THE
JURISDICTIONAL ARGUMENT IS DISPOSITIVE, THE COURT BEGINS AND ENDS ITS ANALYSIS WITH
THAT ISSUE.

3) THE COURT FURTHER STATES AUTHORITY AND CASE LAW TO DISMISS AS THE CASE IS WHOLLY
INSUBSTANTIAL AND FRIVOLOUS AS STATED IN DEFENDANTS MOTION TO DISMISS. COURT STATING THAT IT
AGREES WITH DEFENDANTS MOTION- COURT FURTHER STATING THAT PLAINTIFFS ALLEGATIONS OF A VAST
GOVERNMENT CONSPIRACY- ARE TOTALLY DIVORCED FROM THE REAL WORLD OR SO ATTENUATED AND
UNSUBSTANTIAL AS TO BE ABSOLUTELY DEVOID OF MERIT.

3A) PLAINTIFF STATES THAT THIS IS INCORRECT---THAT THE COURT IS MAKING A MISTAKE AS TO ITS
OPINION. THE 1ST AMENDED COMPLAINT IS A TRUTHFUL COMPLAINT OF THE INCIDENTS THAT HAVE
HAPPENED IN THE PLAINTIFF LIFE, FROM GALVESTON TEXAS DUE TO THIS STAGED CAR WRECK.
PLAINTIFF FURTHER STATES THAT THERE ARE PEOPLE IN THE FEDERAL AND STATE GOVERNMENT---IN THE
US MILITARY, EX MILITARY---SECURITY FORCES---THE POLICE, PRIVATE CITIZENS, AND MORE.. THAT
TRACK THE PLAINTIFF EVERYWHERE THE PLAINTIFF GOES TO, INTIMIDATING PROSECUTING AND TRYING TO
HUMILIATE THE PLAINTIFF. PLAINTIFF IS TRACKED THROUGH GPS TRACKING ON PLAINTIFFS VEHICLE.
THAT PLAINTIFF IS INDEED TRACKED AND PROVOKED AND INTIMIDATED AT ALMOST EVERY LOCATION THE

CR

PLAINITFF GOES. PLAINITFF FURTHER STATES SINCE RECIEVING THIS DISMISSAL OF THIS COURT CASE, THE PEOPLE THAT TRACK AND PROVOKE THE PLAINITFF HAVE BECOME MORE AGRESSIVE IN THERE MISSION TO PROVOKE AND INTIMADTE THE PLAINITFF WHERE THE PLAINITFF IS GOING TO LASH BACK AND END UP IN JAIL THEN A MENTAL HOSPITAL... AS THESE PEOPLE CONTROL THE POLICE. THAT THE PLAINITFF IS UNABLE BREAK FREE OF THIS CONSTANT AGITATION.

FURTHERMORE THE PLAINITFF PETITIONED THE 3 ORIGINAL DEFENDANTS TO INVESTIGATE THIS ISSUE OF THIS STAGED CAR WRECK INCLUDING THE LIFE LONG ABUSE OF INTIMADATION AND PROVACATION, ALONG WITH MANY OTHER ISSUES.. THAT THERE WOULD BE PROOF TO PLAINTIFFS CLAIMS IF INVESTIGATED PLAINITFF FURTHER FILING A MOTION AS TO EVIDENTIAL MOTION TRYING TO FIND THE FACTS. THE COURT ENTER ITS ON MOTION THAT IT WILL TAKE PLAINITFFS MOTION UNDER SUBMISSION AND NO ORAL ARGUMENTS ARE NEEDED.

4) PLAINITFF FILED A PETITION AND COMPLAINT AND THE TRUE FACTS SET OUT IN IT. ON DEC 20 2007 FURHTER PLAINITFF FILING EXHIBIT 1 THRU20 AS TO ADDTIONAL DOCUMENTS OF PROOF AND HISTORY OF CIVIL RIGHTS VIOLATIONS.

5) PLAINITFF PETITIONED THE FEDERAL BUREAU OF INVESTIGATION--US ATTORNEYS OFFICE--AND US JUSTICE DEPT IN THE HORRIFIC CIVIL RIGHTS CASE. TO INVESTIGATE AND CHARGE EVERYONE INVOLVED. PLAINITFF FURTHER PETITIONING FOR MANY OTHER ORDERS OF THE COURT.. WHICH THE PLAINNTFF WAS PETITIONING THE 3 GOVERMENT ENTITIES TO INVESTIGATE THE PLAINITFFS PETITION AND COMPLAINT.. PLAINTIFF FURTHER SEEKING COURT ORDERS AS TO PETITION.

5A) ONE PETITION IS WHERE THE PLAINTIFF WAS REQUESTING TO BE PLACE IN THE WITNESS PROTECTION AGENCY OR PROTECTIVE CUSTODY. FOR THE REST OF THE PLAINITFF LIFE.. PLAINITFF NEEDS TO BE PROTECTED OR THE PLAINITFF IS GOING TO LIVE A MISRABLE LIFE AND FURTHERMORE PLAINTIFF IS MOST LIKLY GOING TO DIE AS OF AS A RESULT OF THIS CAR WRECK. PLAINITFF CONTINUES TO LIVES THROUGH CONTANT HUMILATION, INTIMADATION AND PROVACATION THAT IS INFLICTED ONTO THE PLAINITFF FOR UTTERLY NO JUST CAUSE.

THERE MUST BE JUSTICE FOR THE EXCESS OF 25 YEARS OF THE HORRIFFIC BEATINGS THE PLAINITFF HAS INDURED AND CONTINUES TO INDURE.

5B) PLAINTIFF STATES THIS STAGED CAR WRECK FROM GAVISTON TEXAS ON FEB 4 2006 THAT PLAINTIFF HAS INDURED SEVERE BLOOD VESSEL DAMAGE AND BLOOD CLOTTING IN PLAINTIFFS RIGHT LEG AND BOTH LUNGS AS A DIRRECT RESULT OF THIS STAGE CAR WRECK IN GALVISTON TEXAS.. PLAINITFF IS GOING TO BE IN NEED OF CONSTANT MEDICAL ATTENTION AND MEDICAL TREATMENT AS TO

THIS.. AS PLAINTIFF IS MOST LIKLY GOING TO DIE OR SUFFER SEVERE PHYSICAL COMPLICATIONS FROM BLOOD CLOTTING DUE TO THIS STAGED CAR WRECK.

6) PLAINTIFF HAS TRYED TO FIND LEGAL REPRESENTATION THROUGH AT LEAST 20 DIFFERENT ATTORNEYS..

PLAINTIFF FURTHER TRYING TO GET LEGAL COUNSEL APPOINTED BY THE COURT. PLAINTIFF HAS BEEN DENIED LEGAL COUNSEL BY US MAGISTRATE JUDGE LOUISA S. PORTER, ON APRIL 17 2008 PLAINTIFF HAS BEEN UNSUCCESSFUL IN ALL ATTEMPS TO SECURE LEGAL COUNSEL..

7) THAT IF THE PLAINTIFF WAS REPRESENTED BY AN ATTORNEY THE 1ST AMMENDED COMPLAINT WOULD HAVE NEVER BEEN FILED IN THE MANNER IT WAS.

THAT THE PLAINTIFF HAS SOME RIGHT TO LENIENCY AS TO TRYING TO DEFEND HIMSELF IN THIS CASE WITH UTTERLY NO KNOWLEDGE OF CASE LAW OR HOW A 1ST AMMENDED COMPLAINT WIPES OUT THE ORIGINAL PETITION AND COMPLAINT. THAT IF THE PLAINTIFF KNEW OF THIS, THE PLAINTIFF WOULD HAVE NEVER FILED A 1ST AMMENDED COMPLAINT AS HE DID. PLAINTIFF WOULD HAVE FILED AN ADDITIONAL CASE WITH THE COURT CLERK AS FOR THE 1ST AMMENDED COMPLAINT.

8) IF PLAINTIFF WAS REPRESENTED BY AN ATTORNEY THIS MISTAKE WOULD HAVE NEVER BEEN MADE. FURTHERMORE IF PLAINTIFF WAS REPRESENTED BY AN ATTORNEY, THERE WOULD BE A BETTER PETITION AND COMPLAINT WRITTEN AND FURTHERMORE THE 1ST AMENDED COMPLAINT WOULD BE WRITTEN DIFFERENTLY. PLAINTIFF HAS DONE THE BEST AS TO HIS KKNOWLEDGE OF THE FILING PROCEDURES AND WRITING OF THIS CASE BEFORE THE COURT..

9) NOW THE PLAINTIFF IS UNABLE TO LEGALLY REPRESENT HIMSELF AGAINST THIS ON GOING LEGAL FORMALITIES WITHOUT THE ASSISTANTS OF LEGAL COUNSEL. PLAINTIFF IS NO ATTORNEY OR HAS ANY LEGAL BACK GROUND AS TO COUNTER RESPOND TO THESE ONGOING LEGAL ISSUES TO THIS PENDING CASE.

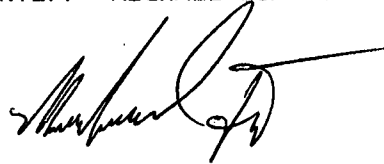
10) THAT THE PLAINTIFF IS GOING TO LOSE ALL RIGHTS TO MEDICAL ATTENTION AND FURTHER COMPENSATION AS TO THE LIFE LONG MEDICAL TREATMENT THE PLAINTIFF IS GOING TO NEED, AS OF DIRECT RESULT OF THIS CAR WRECK. IF THIS CASE IS DISMISSED..

11) PLAINTIFF IS ENTITLED TO BE HEARD OF THE TRUTHFUL AND INTENTFUL ACTS OF VIOLENCE THAT HAS BEEN INFLICTED AGANIST THE PLAINTIFF FOR THE EXCESS OF 25 YEARS. INCLUDING THIS CAR WRECK FROM GALVISTON TEXAS ON FEB 4 2006.

12) PLAINTIFF ASKS THIS COURT TO SET ASIDE ITS ORDER DISMISSING PLAINTIFFS CASE.
UNTIL THE PLAINTIFF CAN SECURE COUNSEL. THAT THIS CASE IS MAINLY BEING DISMISSED AS DUE
TO THE 1ST AMENDED COMPLAINT. THIS IS UNFAIR TO THE PLAINTIFF AS THE ORIGINAL PETITION
AND COMPLAINT ARE THE MAIN ENTRY AND MEANING FOR THE PLAINTIFFS RELIEF OF ABUSE AND
MONETARY RIGHTS.

JULY 3RD 2008

PLAINTIFF--MICHAEL FOX--IN PRO PER

A handwritten signature in black ink, appearing to read "Michael Fox", with a long horizontal stroke extending to the right.

UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL FOX

CASE# 07 CV 2388 DMS (POR)

PLAINITFF

VS.

(PROOF OF SERVICE)

UNITED STATES OF AMERICA et.al.

DEFENDANTS

THAT MICHAEL FOX THE PLAINITFF MAILED COPIES OF 3 MOTIONS SET FOR AUG 15 2008 AT 1:30PM IN
FRONT OF JUDGE DANA M SABRAW IN COURTROOM 10 ON THURSDAY JULY 3 2008

TO US ATTORNEYS OFFICE AT 880 FRONT ST. (ROOM 6293) SAN DIEGO CALIFORNIA 92101
CERTIFIED MAIL# 7007 2680 0000 2741 1946

TO WILLIAM S. HELFAND/CHAMBERLAIN HRDLICKA WHITE WILLIAMS & MARTIAN AT 1200 SMITH ST.
SUITE 1400 HOUSTON TEXAS 77002
CERTIFIED MAIL# 7007 2680 0000 2741 1939

DATE OF JULY 3RD 2008

PLAINITFF---MICHAEL FOX---(IN PRO PER)

